

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

ROBERT A. LATHAM, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

MITCHELL J. STEIN, BILL MATTHEWS,
PAMELA M. BUNES, BUDIMIR S.
DRAKULIC, ROBERT C. SCHERNE, KEVIN
F. PICKARD, LOWELL T. HARMISON,
MARVIN H. FINK and SIGNALIFE, INC.,

Defendants.

Case No. 08-cv-2995-RBH

DARRYL K. ROTH, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

MITCHELL J. STEIN, WILLIAM R.
MATTHEWS, PAMELA M. BUNES,
BUDIMIR S. DRAKULIC, ROBERT C.
SCHERNE, KEVIN F. PICKARD, LOWELL
T. HARMISON, MARVIN H. FINK and
SIGNALIFE, INC.,

Defendants.

Case No. 08-cv-3183-RBH

**CONSENT ORDER STAYING DEFENDANT
BUDIMIR DRAKULIC'S MOTION TO DISMISS PLAINTIFFS'
CONSOLIDATED CLASS ACTION COMPLAINT**

IT APPEARING TO THE COURT that on or about September 2, 2009, Defendant Budimir Drakulic ("Drakulic") was served in this above-captioned cases;

IT FURTHER APPEARING TO THE COURT, that on September 4, 2009, this Court issued a Order denying in part and granting in part Defendants Signalife, Inc. ("Signalife"), Pamela M. Bunes ("Bunes"), Lowell T. Harmison ("Harmison"), Kevin F. Pickard ("Pickard"), Robert C. Scherne ("Scherne") and William R. Matthews ("Matthews") Motions to Dismiss, and stayed this action until the United States Supreme Court publishes its decision in *Merck & Co., Inc. v. Reynolds*,

129 S.Ct. 2432 (2009);

IT FURTHER APPEARING TO THE COURT, that on October 8, 2009, Drakulic filed his Motion to Dismiss Plaintiffs' Consolidated Complaint with this Court, seeking to dismiss the claims brought against him under sections 10(b) and 20(a) of the Securities Exchange Act of 1934;

IT FURTHER APPEARING TO THE COURT, that on October 29, 2009, Lead Plaintiffs Bryan D. Harris, Mark Taylor and Greg Taylor, collectively the Taylor Signalife Investor Group ("Plaintiffs") filed their Opposition to Drakulic's Motion to Dismiss;

IT FURTHER APPEARING TO THE COURT, that on November 11, 2009, Drakulic filed his Reply in Support of his Motion to Dismiss with the Court;

IT FURTHER APPEARING TO THE COURT, that subsequent to the November 11, 2009 filing, the parties met and conferred and agreed to make a good faith effort to mediate their dispute;

IT FURTHER APPEARING TO THE COURT, that the Plaintiffs and the parties presently before the Court have agreed to mediate the action before the Honorable Daniel Weinstein (Ret.) during the week of February 2, 2010;

IT FURTHER APPEARING TO THE COURT, that the parties in this action believe that, it is reasonable to stay a the proceedings in this action, including a decision on Drakulic's pending Motion to Dismiss pending completion of the mediation to avoid expending additional time and resources of both the Court and the parties that may become unnecessary if the mediation is successful;

IT FURTHER APPEARING TO THE COURT, that for these same reasons the parties in this action believe that it is reasonable for Plaintiffs to stay and, as necessary, move the appropriate court to stay the discovery Plaintiffs are seeking related to this action and their creditor claim against defendant Mitchell J. Stein in his pending bankruptcy in the Bankruptcy Court for the Southern District of Florida (Cause No. 09-14345-BKC-PGH); and

IT FURTHER APPEARING TO THE COURT, that in the event the mediation is unsuccessful, the parties in this action will notify the Court in a timely manner.

IT IS HEREBY ORDERED as follows:

1. A decision on Drakulic's pending Motion to Dismiss is hereby stayed until February 9, 2010; and

2. In the event the mediation is unsuccessful, the parties shall submit a notification to the Court within ten (10) days after the termination of the mediation.

IT IS SO ORDERED.

December 23, 2009 Columbia, South Carolina	<u>s/ R. Bryan Harwell</u> R. Bryan Harwell Judge, United States District Court
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